

Message Text

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PAGE 01 SOFIA 02739 290711Z
ACTION EUR-12

INFO OCT-01 ISO-00 PER-01 L-03 CIAE-00 INR-07 NSAE-00 /024 W
-----290713Z 017526 /20

R 280930Z DEC 76
FM AMEMBASSY SOFIA
TO AMEMBASSY BUCHAREST
INFO SECSTATE WASHDC 2179
AMEMBASSY BUDAPEST
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY WARSAW

LIMITED OFFICIAL USE SOFIA 2739

E.O. 11652: NA
TAGS: AFSP, AGMT, BU
SUBJECT: GOB CONTROL OF LOCAL EMPLOYEES

REF: A) BUCHAREST 7417, B) SOFIA 2742 (NOTAL)

1. IN CONNECTION WITH REF B, PARA 2, EMBASSY HAS SIGNED
LABOR CONTRACTS AFTER AN EXCHANGE OF NOTES WITH GOB
SERVING TO CLARIFY MISSION'S UNDERSTANDINGS AND OBSERVA-
TIONS OF CONTRACT. SPECIFIC MENTION WAS MADE OF FACT THAT
SIGNING MAY NOT BE CONSTRUED AS A WAIVER OR MODIFICATION
OF THE PRIVILEGES AND IMMUNITIES DERIVED FROM GENERALLY
ACCEPTED PRINCIPLES OF INTERNATIONAL LAW AND PRACTICE,
AND FROM TREATIES AND AGREEMENTS IN FORCE BETWEEN THE USG
AND GOB, INCLUDING DEFENSES OF SOVEREIGNTY AND DIPLOMATIC
IMMUNITY.

2. THIS WAS FOLLOWED BY OUR INTERPRETATION OF SIX ARTICLES
CONTAINED IN LABOR CONTRACT WHICH WE FOUND DIFFICULT TO
ACCEPT IN ORIGINAL FORM AS THEY ABRIDGED SPECIAL STATUS AND
FUNCTION OF A DIPLOMATIC MISSION AND THE NECESSITY FOR
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SPECIAL INTERPRETATIONS TO THOSE ARTICLES SO AS NOT
UNDULY TO INTERFERE WITH THE FUNCTIONING OF THE MISSION.
GOB REPLY TO OUR NOTE ACCEPTED OUR INTERPRETATIONS.

3. LABOR CONTRACT NEGOTIATIONS WITH GOB PROCEEDED OVER
PERIOD OF FOURTEEN MONTHS. MEETINGS HELD WITH GOB OFFICIALS

ONCE OR TWICE A MONTH WERE GENERALLY AMIABLE. IT IS NOTE-
WORTHY THAT GOB WAS PREPARED TO ACCEPT FROM US STIPULATIONS
AND INTERPRETATIONS, WHICH THEY HAD STOUTLY RESISTED WHEN
PROPOSED BY OTHER EMBASSIES, WHICH ENSURED AMPLE PROTECTION
AGAINST SUIT, PENALTY OR DISRUPTION OF OPERATIONS. IT IS
STRONGLY SUSPECTED THAT THE BUREAU FOR DIPLOMATIC SERVICES
IS A PRISONER OF THE SYSTEM, AND THAT THEIR PROTESTATIONS TO
THE EFFECT THAT THEY LACKED AUTHORITY TO MAKE CHANGES TO
LABOR CONTRACT WERE GENUINE SINCE IT IS BASED ON GOB
LEGISLATION. HENCE, THE EXCHANGE OF NOTES WAS A MUTUALLY
ACCEPTABLE FACE-SAVING DEVICE. TO DATE, THE SIGNING OF
THE CONTRACT HAS NOT AFFECTED OUR RELATIONSHIP VIS-A-VIS
LOCAL EMPLOYEES, AND OPERATIONS CONTINUE UNHINDERED.
HERZ

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